IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 7173 of 2004

Between:

1 Gandrothu Ramakrishna, S/o Narayana,

2 Inti Akkarao, S/o Kondaiah,

3 Tippanaboina Suribabu, S/o Venkanna,
4 Tutika Venkataramana, S/o Ramachandram,
5 Tutika Prabhakar, S/o Pedda Ramachandram,
6 Menti Satyanarayana, S/o Saraiah,
7 Jagadala Sriharanath Babu, S/o Subbarao,
8 Tutika Venkata Swamy, S/o Adinarayana,
9 Tutika Bhaskara Satya Seenu, S/o Ramachandram,
10 Nangineddi Narayana Rao, S/o Pentaiah,
11 Anantha venkatesulu, S/o Chinna Venkanna,
12 Jagadala Nageswara Rao, S/o Subba Rao,
13 Gangula Nageswara Rao, S/o Veeranna,
14 Kanumuri Janakirama Raju, S/o Suryanarayana Raju,
(All are R/o. Guddigudem Village, Gopalapuram Mandal, West Godavari District and are living by cultivation)

... PETITIONERS

AND

1 The S.I., of Police, Gopalapuram Police Station, Gopalapuram Mandal,

W.G.District.
2 The Mandal Revenue Officer, Gopalapuram Mandal, W.G.District.
3 The Revenue Divisional Officer, Jangareddygudem, W.G.District.
4 The District Collector, West Godavari District, Eluru.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the action of the respondent No.1 in forcing the petitioners to bound over before the 2nd respondent as arbitrary, illegal, politically motivated and is violative of their personal liberty and is violative of Arts.14 and 21 of the Constitution of India.

Counsel for the Petitioners: MR.P.RADHAKRISHNA

Counsel for the Respondents: GP FOR HOME

The Court made the following order:

ORDER:

Petitioners question the action of the S.I. of Police, Gopalapuram Police Station, Gopalapuram Mandal, West Godavari District, in forcing them to bound over before the Mandal Revenue Offiicer, Gopalapuram Mandal, West Godavari District and seek a writ of mandamus declaring the said action of the first respondent as illegal and arbitrary.

Counter has been filed stating that in view of the General Elections to the Lok Sabha and Andhra Pradesh Legislative Assembly, 2004, a case in Cr.No.33 of 2004 under Section 107 Cr.P.C was registered on 26.03.2004 against the petitioners herein and other group of persons, to bind the said persons, as they were likely to commit breach of peace or disturb the public tranquility by wrongful acts. Further action in the above case was dropped vide M.C.No.10 of 2004 dated 27.04.2004 by the Mandal Executive Magistrate, Gopalapuram and the above case was closed.

In view of the closure of the said Cr.No.33 of 2004 and the fact that the petitioners were never bound over before the second respondent and further action in the above case was already dropped vide M.C.No.10 of 2004 dated 27.04.2004 no cause of action survives in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

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V. ESWARAIAH, J

April 5, 2005

Dsk

To

1. The S.I., of Police, Gopalapuram Police Station, Gopalapuram Mandal,

W.G.District.
2. The Mandal Revenue Officer, Gopalapuram Mandal, W.G.District.

3. The Revenue Divisional Officer, Jangareddygudem, W.G.District.

4. The District Collector, West Godavari District, Eluru.

5. Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD Copies.